

REMARKS

The Office action mailed on 11 March 2005 (Paper No. 20050304) has been carefully considered.

Claims 44 thru 50 and 61 are being canceled without prejudice or disclaimer, claims 43, 52, 53, 58 thru 60 and 62 are being amended, and claim 63 is being added. Thus, claims 43, 51 thru 60, 62 and 63 are pending in the application.

In paragraph 1 of the application, the Examiner stated that, “[t]he request filed on September 29, 2003 for a Continued Prosecution Application (CPA) under 35 U.S.C. §1.53(d) based on parent Application No. 09/767,865 is acceptable” It is submitted that the present application is not a CPA application filed under 35 U.S.C. §1.53(d), but is a continuation application filed under 35 U.S.C. §1.53(b), and is accorded a separate serial number, No. 10/671,466, from the parent application Serial No. 09/767,865. Acknowledgment by the Examiner of the present application as a continuation application filed under 35 U.S.C. §1.53(b), and acknowledgment, in the PTOL-326 form, of the receipt and filing of the all of the certified copies of the priority documents received in the parent application Serial No. 09/767,865, are respectfully requested.

In paragraph 3 of the Office action, the Examiner rejected claims 43-45, 49, 54, 55 and 60 under 35 U.S.C. §102 for alleged anticipation by Nishida, U.S. Patent No.

5,831,769. In paragraph 8 of the Office action, the Examiner rejected claims 46, 50, 51, 56 and 57 under 35 U.S.C. §103 for alleged unpatentability over Nishida '769 in view of Besnard *et al.*, U.S. Patent No. 5,867,349. In paragraph 10 of the Office action, claims 47, 48, 52, 53, 58, 59, 61 and 62 are objected to for dependency upon a rejected base claim, but the Examiner stated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. For the reasons stated below, it is submitted that the invention recited in the claims, as now amended, is distinguishable from the prior art cited by the Examiner so as to preclude rejection under 35 U.S.C. §102 or §103.

Independent claim 43 is being amended to include the recitations from dependent claims 44 and 45, which are being canceled. In the process of amending claim 43, the portion of original claim 43 appearing at lines 5-9 is being deleted as being not essential to patentability of amended independent claim 43. Moreover, the deleted portion (lines 5-9 of original claim 43) is being included in a new dependent claim (claim 63 dependent from 43) now being added to the application.

In paragraph 4 of the Office action, the Examiner rejected original claims 43-45 under 35 U.S.C. §102 for alleged anticipation by Nishida '769. In that regard, the Examiner referred to Figures 1-5 and 11B of Nishida '769, and alleged that the recited "central portion" corresponded to the elastic plate 30 shown in Figure 1 of the patent, and

that the recited “outer portion” corresponded to the deck base 20 shown in Figure 1 of the patent.

The Examiner then alleged that the central portion 30 of Figure 1 of the patent is connected on one side to the outer portion 20 by a downwardly slanted portion of the central portion. Apparently, the Examiner is referring to first leg portion 31 of elastic plate 30, which apparently slopes downward toward the deck base 20.

The Examiner then further alleged that the central portion 30 of the patent is connected on another side to the outer portion 20 by an upwardly slanted portion of the central portion 30. However, a review of Figure 1 of the patent does not reveal any upwardly slanted portion of elastic plate 30. In that regard, it is noted that the second leg portion 32 of elastic plate 30 slopes downward toward the deck base 20, just as the first leg portion 31 does.

At the bottom of page 2 of the Office action, in referring to the “upwardly slanted portion”, the Examiner cited “Fig. 2A, θ ” (quoting from the last line on page 2 of the Office action). However, the Greek letter “ θ ” refers to an angle, and not to an element contained in Figure 2A. If the Examiner intended to refer to element 10 of Figure 2A, that element is defined as the “third contacting portion” (*see* column 3, line 20 of Nishida ‘769), but that element is not a part of the central portion 30, as defined by the Examiner.

Rather, the contacting portion 10 is actually a part of the head cylinder 1 itself.

Thus, it cannot be said that, in Nishida '769, the central portion 30 is connected to the outer portion 20 by an upwardly slanted portion of the central portion 30. Therefore, the limitation recited in original dependent claim 44, and now recited in independent claim 43, is not disclosed or suggested in Nishida '769.

As mentioned above, claim 43 is being further amended to include the recitation from original dependent claim 45, which is being canceled. Thus, amended claim 43 recites the positioning pin extending upward from the upwardly slanted portion of the central portion for insertion into a positioning hole formed in the lower portion of the head drum assembly. In that regard, in paragraph 6 of the Office action, the Examiner referred to element 57 of Figure 11B of Nishida '769. However, element 57 is merely a screw which passes through a deck base 51 so as to be seated in a screw hole 56b contained in the head cylinder 56. Thus, element 57 of Nishida '769 does not constitute a positioning pin which extends upwardly from an upwardly slanted portion of a central portion of a main base. Moreover, based on the Examiner's original hypothesis that the elastic plate 30 of Figure 1 constitutes the "central portion" while the deck base 20 of Figure 1 constitutes the "outer portion", as mentioned above, there is no upwardly slanted portion of the central portion 30, and furthermore, there is no positioning pin extending upwardly from an upwardly slanted portion of the central portion 30 of Figure 1 of

Nishida '769.

Therefore, for this additional reason, amended independent claim 43 is distinguishable from the prior art cited by the Examiner so as to preclude rejection under 35 U.S.C. §102 or §103 for alleged anticipation or obviousness, respectively.

In paragraph 4 of the Office action, the Examiner also rejected independent claim 54 under 35 U.S.C. §102 for alleged anticipation by Nishida '769. Independent claim 54 recites the combination of a central portion and an outer portion, and then recites in a manner similar to original claim 44 (now added to claim 43 by amendment) discussed above, a limitation wherein the central portion is connected on one side to the outer portion by a downwardly slanted portion of the central portion, and the central portion is connected on another side to the outer portion by an upwardly slanted portion of the central portion.

As stated above relative to amended independent claim 43, Nishida '769 does not disclose or suggest an upwardly slanted portion of the central portion 30 of Figure 1 of the patent, and moreover does not disclose or suggest the central portion 30 being connected to the outer portion 20 by an upwardly slanted portion of the central portion 30. For this reason, independent claim 54 recites the invention in a manner distinguishable from the cited prior art so as to preclude rejection under 35 U.S.C. §102

or §103 for alleged anticipation or obviousness, respectively.

Dependent claim 58 is being amended to appear in independent form. Thus, amended claim 58 recites the main base in terms of the combination of a central portion and an outer portion, with the central portion being connected to the outer portion by a downwardly slanted portion and an upwardly slanted portion, respectively, of the central portion. In addition, claim 58 recites the main base as further comprising a hook pin which includes at least two locking ends extending upward from the upwardly slanted portion of the central portion for insertion into the positioning hole formed in the lower portion of the head drum assembly.

With respect to claim 58, as mentioned above, Nishida '769 does not disclose or suggest the upwardly slanted portion of the central portion 30, by means of which the central portion 30 is connected to the outer portion 20 (referring to Figure 1 of Nishida '769). Furthermore, Nishida '769 does not disclose or suggest a hook pin which includes at least two locking ends as recited in claim 58. Apparently, the Examiner recognized this distinction between the invention recited in claim 58 and the prior art since the Examiner indicated(in paragraph 10 of the Office action) that dependent claims 58 and 59 recited allowable subject matter.

Independent claim 60 is being amended to include the recitation from dependent

claim 61, which is being canceled. Thus, amended claim 60 recites the main base as comprising the combination of a central portion and an outer portion, and positioning means extending upward from the central portion for insertion into a positioning hole formed in a lower portion of the head drum assembly so as to position the main base relative to the head drum assembly. Moreover, as now amended, independent claim 60 recites the positioning means as comprising a hook pin which includes at least two locking ends extending upward from the central portion for insertion into the positioning hole formed in the lower portion of the head drum assembly.

Since the Examiner indicated (in paragraph 10 of the Office action) that previous dependent claim 61 recited allowable subject matter, independent claim 60 (which now includes claim 61) and associated dependent claim 62 should now be in condition for allowance.

A fee of \$200.00 is incurred by the addition of one (1) independent claim in excess of 3. Applicant's check drawn to the order of Commissioner accompanies this Amendment. Should the check become lost, be deficient in payment, or should other fees be incurred, the Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of such fees.

In view of the above, it is submitted that the claims of this application are in condition for allowance, and early issuance thereof is solicited. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

Respectfully submitted,



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